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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JARED M. VILLERY, Plaintiff-Appellant, v. JEFFREY A. BEARD; et al., Defendants-Appellees, and CALIFORNIA DEPARTMENT OF CORRECTIONS; et al., Defendants.	No. 21-15425 D.C. No. 1:15-cv-00987-DAD-BAM MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Dale A. Drozd, District Judge, Presiding

Argued and Submitted September 2, 2022
San Francisco, California

Before: W. FLETCHER, BYBEE, and VANDYKE, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

Jared M. Villery appeals the district court's denial of his motion to modify a preliminary injunction. We have jurisdiction under 28 U.S.C. § 1292, and we affirm.

We review a district court's decision to deny a motion to modify a preliminary injunction for abuse of discretion. *Taylor v. Westly,* 525 F.3d 1288, 1289 (9th Cir. 2008). We conclude that the district court did not commit legal error when it denied Villery's motion to modify.

The district court was obligated to afford deference to prison officials. The Prison Litigation Reform Act ("PLRA") requires courts to give "substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the relief." 18 U.S.C. § 3626(a)(1). Even when an inmate qualifies for a preliminary injunction, the court's order "must not 'require more of state officials than is necessary to assure their compliance with the constitution.'" *Melendres v. Arpaio,* 784 F.3d 1254, 1265 (9th Cir. 2015) (quoting *Gluth v. Kangas,* 951 F.2d 1504, 1509 (9th Cir. 1991)). Deference has its limits, however. *Chess v. Dovey* explained that prison officials in medical care cases are entitled to deference only when the "party's presentation of the case draws a plausible connection between a security-based policy or practice and the challenged medical care decision." 790 F.3d 961, 972 (9th Cir. 2015); *cf. Shorter v. Baca*, 895 F.3d 1176, 1187 (9th Cir.

2018) (agreeing that jail officials' "exaggerated response to [their] need for security [] was not entitled to deference").

Here, the district court found that CDCR established a plausible connection between prison security and its housing policy. California prison regulations require consideration of "safety, security, treatment, and rehabilitative needs of the inmate . . . as well as the safety and security of the public, staff, and institutions" when making housing decisions. Cal. Code Regs. tit. 15, § 3269.1. Although CDCR never argued that Villery's *specific* housing assignment would present a security concern, it considered safety and security broadly, as required by CDCR regulations. And the district court acknowledged CDCR's security concerns when it considered Villery's motion to modify. The district court appropriately considered the deference standard in *Chess v. Dovey* and concluded that prison officials were entitled to deference for their housing decisions regarding Villery. In so doing, the district court did not abuse its discretion.

The judgment is **AFFIRMED.**